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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3761 of 1993

Petitioner		Shri Rajaram Pandey, S/o Shri Ramadhar Pandey, Karaihapara, Post – Ratanpur, District- Bilaspur (C.G.).
	Versus	
Respondents	1.	Chief Executive Officer, Nagar Panchayat, Ratanpur, District- Bilaspur (C.G.).
	2.	The Presiding Officer, State Labour Court, Durg (C.G.).

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Rakesh Mohan Pandey, Advocate for the petitioner.

Shri Manoj Paranjpe, Advocate for the respondent No.1.

ORAL ORDER

(16th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the petitioner was appointed by the Respondent No.1 on the post of Moharrir on daily wages in April, 1982. The petitioner worked continuously till June, 1983 when the petitioner was asked not to work for the Respondent No.1. A dispute was raised and the matter was referred to the Labour Court, Durg in Case No. 24/I.D.Act/91 (Reference). The Labour Court after having examined the statement of the petitioner and various documents i.e. Annexure D/a, D/2, D/3 and D/4 produced by the Respondent No.1, came to the conclusion that the petitioner had failed to establish that the petitioner had worked for 240 days in the year preceding to the date of termination and dismissed the claim by award dated 10.5.1993.

2. It is well established principle of law that it is for the claimant to prove by leading evidence that he had worked up to 240 days in a year preceding to the date of termination. In the present case the

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petitioner-employee has not examined any witness or co-worker and has not led any other evidence to establish that in fact he had worked for 240 days. On the contrary the respondent No.1 has proved by producing sufficient evidence that the petitioner was employed initially to look after the work of cattle census on daily wages thereafter he was allowed to continue till October, 1982.

3. I have heard learned counsel for the parties and perused the records appended to the petition as well as return. I am of the view that there is no evidence to prove that the petitioner had worked for 240 days in a year preceding to the date of termination. The petitioner had made an application seeking a direction against the Respondent No.1 to produce the muster-roll. The muster-roll could not be produced. According to the respondents they have produced all the relevant material documents except muster-roll, which was not relevant in the case of the petitioner. It is understandable if the petitioner-employee produced other evidence like examining his co-workers and then asking for muster-roll in support of the depositions made by the witnesses. In the present case nothing has been done and the petitioner has failed miserably to prove that the petitioner had worked for 240 days in a year preceding to the date of termination. There is no perversity in the findings recorded by the Labour Court. The finding is just and proper and supported by the evidence.

4. In view of the foregoing it does not warrant any interference with the award dated 10.5.1993 passed by the Labour Court in exercise of powers under Article 227 of the Constitution of India. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur